

REMARKS

Claims 1-14 are pending. By this Amendment, claims 1-6 and 9 are amended, and claims 10-14 are added.

I. The Claims Satisfy All Formal Requirements

The Office Action objects to claim 9. Claim 9 is amended to obviate this objection.

II. Claim 3 Satisfies the Requirements of 35 U.S.C. §112, Second Paragraph

The Office Action rejects claim 3 under 35 U.S.C. §112, second paragraph. Claim 3 is amended to obviate this rejection.

III. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-9 under 35 U.S.C. §103(a) over USP 6,337,729 to Morii in view of JP08-106101 to Koike et al. This rejection is respectfully traversed.

Koike does not disclose spacers located between the substrates, the spacers being fixedly adhered to the lower substrate, as in amended independent claims 1, 5 and 6, or spacers fixedly attached to the lower substrate as in new independent claim 14. The amendments to claims 1, 2, 5 and 6 are supported by the specification at, e.g., paragraphs 42, 43 and 52.

Instead, Morii does not teach that the spacers are attached to the substrates, and Koike teaches that the spacers are adhered to the upper substrate.

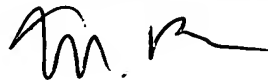
Koike does not disclose that the gap d is either in the range of 2.83 to 3.26 microns as more in the range of 5.66 to 6.52 microns, as in new claim 10. See, e.g., specification at Table 1 and Table 5. Instead, Koike describes a diameter with respect to a liquid crystal layer that is in a range of 4.8 to 5.8 microns thick. Thus, a spacer diameter that is 0.2 to 0.6 microns or 4 to 12 % smaller than the thickness of the liquid crystal layer.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Translation of Koike (JP 8-106101)

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